

The size of the food shortage can be debated; that there is hunger in Kampuchea cannot. A February 9 report from the State Department admitted that the food situation in Kampuchea is "precarious" and noted that malnutrition plagues many parts of the country. How will the United States respond?

Four years ago, Representative Millicent Fenwick urged her colleagues in the House to approve aid for Kampuchea: "We have never cared who sat in the palaces of the world; we have always been concerned about who is starving in the streets." Today, those who could make a difference do not share that sentiment. □

#### DISPUTE OVER C.I.A. FILES

## The Case for the New F.O.I.A. Bill

IRA GLASSER

**L**ater this month a bill that has evoked concern and disagreement among civil libertarians and critics of the Central Intelligence Agency will be sent to the floor of the House of Representatives. The bill, which would exempt certain kinds of C.I.A. files from normal requirements under the Freedom of Information Act, has been scrutinized and debated in a series of recent public hearings before various Congressional committees. After many revisions, the latest version of this bill, H.R. 5164, has a good chance of passing in the full House, partly because, after a long drafting process, it has gained the support of the American Civil Liberties Union.

The A.C.L.U.'s position has been attacked in several forums and publications, among them *The Nation* [see Angus Mackenzie, "The Operational Files Exemption," September 24, 1983]. Some of our critics have gone so far as to suggest that the A.C.L.U. has become, wittingly or unwittingly, an accomplice in weakening the F.O.I.A.

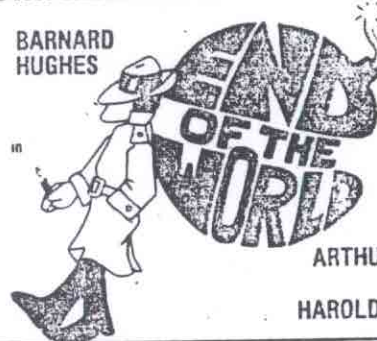
In light of those charges, it is important to understand what the American Civil Liberties Union has been doing, why it supports a much-changed version of legislation it originally opposed and why it thinks the legislation represents a modest victory for those who support the F.O.I.A.

The Freedom of Information Act is one of the most important laws enacted by Congress. By making government information available to the public, the act strengthens America's commitment to informed, robust debate on all public policies. The act is especially vital with respect to the C.I.A., whose illegal activities are encouraged by the shroud of secrecy that envelops them. While the shroud has not yet been sufficiently lifted, over the last decade the F.O.I.A. has been a significant tool in bringing the C.I.A.

*Ira Glasser is national executive director of the American Civil Liberties Union.*

**"IMPUDENT, COURAGEOUS, CONCERNED AND FUNNY. 'END OF THE WORLD' HAS GUTS, FEELING AND A FINE AMERICAN IMPERTINENCE. HAROLD PRINCE HAS DIRECTED AS IF THIS WERE THE LAST MUSICAL—WHOSE SCORE IS A SCARED SYNCOPATION OF OUR OWN HEARTBEATS."** —Jack Kroll, *Newsweek*

JOHN SHEA  
and  
LINDA HUNT



A New Play  
by  
ARTHUR KOPIT  
Directed by  
HAROLD PRINCE

CALL Tele-charge (212) 239-6200 (8 am to midnight)  
MUSIC BOX THEATRE, 239 West 45th Street (7 Days a Week)  
See Theatre Directory for Details

## CENSORSHIP

### 500 YEARS OF CONFLICT

The New York Public Library announces the most comprehensive exhibition ever mounted on the burning issues of censorship. **CENSORSHIP: 500 YEARS OF CONFLICT** presents the never-ending struggle between freedom of expression and the threat of oppression in an extraordinary exhibition of books, prints and manuscripts, drawn from the Library's world-renowned collections.

On view in the newly restored D. Samuel and Jeanne H. Gottesman Exhibition Hall, the exhibit illuminates the conflict between the censor and the censored from the advent of printing to the present. Featured will be first editions, rare copies and original manuscripts by Martin Luther, Galileo, Voltaire, Mark Twain, D.H. Lawrence and many more.

The Library's exploration of censorship encompasses five months of cultural and educational events including specialized exhibits on censorship in Eastern Europe, Black America, theatre and libraries, as well as a film series and public forums examining contemporary issues. For more information call: 869-8089.

Open from June 1st through October 15th, 1984, the exhibition is free. See the words, the books, the declarations and manifestos that have turned philosophers into rebels, artists into outlaws and set the world afire.

**CENSORSHIP: 500 YEARS OF CONFLICT**  
Made possible by The National Endowment for the Humanities, Ligon Corporation, The J.M. Kaplan Fund, Inc., The New York Times Company Foundation, Inc., Time Inc., and other donors.  
Exhibit Hours: Monday-Saturday 10:00 am-6:00 pm. Free Tours: 12-1 pm, 1-3 pm.  
(For Group Tours call 930-0501)

**The New York Public Library**  
Fifth Avenue & 42nd Street, New York City



### Find Out Who Rules America Now!

At least 500,000 copies of G. William Domhoff's *Who Rules America?* were sold between 1967 and 1975.

Now you can read the same author's all-new *Who Rules America Now? A View for the '80s*. The book is a sequel, not an update.

### Who Rules America Now? A View for the '80s

G. William Domhoff

Among the new book's many features are:

- a discussion of the feminine half of the upper class.
- an explanation of why individual corporate leaders complain about their alleged lack of power.
- an elaboration of the policy network that connects the corporate community and government.
- an explanation of community power structures as competing growth machines that prepare the land for national capital.
- revealing new data from Yale and local Chamber of Commerce archives that refutes Robert A. Dahl's claims in *Who Governs?* about the distribution of power in New Haven.

Says the author: "This is my best book since *The Higher Circles* in 1970. I challenge my pluralist, Marxist, and structuralist critics alike to take it on in open debates, preferably with more data and, for a change, less rhetoric."

Available in your local bookstore for \$6.95, or for \$8.50,\* including UPS insured postage, by writing to:  
Guild Books, 2456 N. Lincoln, Chicago, Illinois 60614  
(312-525-3667)

\*Illinois residents add 7% sales tax.

### THIS CHAIR IS POLITICALLY CORRECT

- MACUELIZO (tropical white oak) OR MAHOGANY
- ROCKS ON ANY SURFACE
- FOLDS FLAT
- REMOVABLE 100% COTTON DUCK COVER
- COOPERATIVELY PRODUCED IN CENTRAL AMERICA
- SATISFACTION GUARANTEED



Make sure you're sitting on the proper side of the fence: the side of hope, cooperation and grassroots democracy. This chair was made cooperatively in Honduras by members of the **Union Nacional de Campesinos**, a sixty thousand member peasant league working for land reform and democracy. One UNC coop mills the lumber in the field with a two man pit saw and hauls it out by oxcart. The wood is then dried and carefully crafted into chair frames by UNC cooperative "La Popular". Pueblo to People provided training and financed the shop which the UNC now owns and controls.

PUEBLO TO PEOPLE works with other grassroots cooperatives and peasant organizations in Honduras, Nicaragua and Guatemala, providing technical assistance and non-profit marketing in the U.S.

TO ORDER: Send \$39 plus \$6 shipping. Specify canvas color (chocolate, navy or beige), and wood (mahogany or macuelizo).

FREE CATALOG ON REQUEST. Palm leaf hats, hammocks, Guatemalan weaving, baby baskets, coffee, cashews and more.

PHONE OR MAIL  
YOUR ORDER TODAY!  
VISA, MC, CHECK  
ADD \$2 FOR C.O.D.



PUEBLO to PEOPLE  
5218 CHENEVERT 5513  
HOUSTON, TX 77004  
(713)523-1197

under increased public and Congressional scrutiny.

But most people who submit requests to the agency under the F.O.I.A. encounter two main problems: the C.I.A. withholds information it should release by hiding behind exaggerated claims of national security, which the courts have never had the courage to reject; and when it does decide to release information it takes an intolerable amount of time—often two to three years.

Aside from pure obstructionism, a primary cause for delay is the time-consuming search the agency undertakes through its "operational" files when processing an F.O.I.A. request. Basically, operational files contain documents and information related to the intelligence *process* rather than the intelligence *product*. For example, a document that describes the technical capacity and location of a sophisticated optics device is considered operational; the information obtained by that device is not. Similarly, how an intelligence source was spotted and recruited, how much he paid, the details of where and when he meets with his case officer, are all considered operational; any information provided by that source is not.

Such operational information, with a few important exceptions described below, is invariably classified and therefore exempt from release under the provisions of the F.O.I.A. The courts have never ordered the release of such information, and are not likely to under any conceivable standard of classification. Nonetheless, every time a F.O.I.A. request is made to the C.I.A., all operational files have to be reviewed.

To alleviate the problem of delays, the A.C.L.U. set out to draft legislation that would spare the agency from searching through its operational files. At the same time we wanted to insure that the kind of information currently being released or likely to be released in the future would not be exempt or improperly hidden in operational files. We felt that such legislation would obligate the C.I.A. to respond to requests more quickly, while guaranteeing that no new curbs on information would result.

Of course, the C.I.A., already on record as favoring legislation that would exempt it from all provisions of the act, jumped at the opportunity to support a bill that would exempt it from searching its operational files. Our task, therefore, was to defeat the legislation unless its language strictly limited the exemption. That was not easy.

After much lobbying, the Senate passed S. 1324 which while much improved over the version that was introduced was not adequate in several important respects. If that had been the final version of the legislation, we would have opposed it and we believe our opposition would have killed it.

Fortunately, the legislative process is just that, a process. Accordingly, after the Senate approved its bill, we set to work on the House version. For us, the House is a much more hospitable forum, and we thought we stood a good chance of getting everything we wanted. We did. In its present form this bill differs markedly from the Senate's. We support this version because we believe it will obligate the C.I.A. to release information more quickly and prevent



from withholding any information it is currently obligated to release. Here is a summary of the major provisions of H.R. 5164:

§ Operational files in three divisions of the C.I.A.—the Directorate of Operations, the Directorate for Science and Technology and the Office of Security—would be exempt from search and review. (A few important exceptions are noted in the bill and summarized below.) The term “operational” is defined narrowly to include only files that document the means of acquiring information, as opposed to those that contain the information itself. All other C.I.A. files, including those in the three specified divisions, will be subject to search and review under the Freedom of Information Act.

§ All documents from operational files that are disseminated outside the three divisions, whether within the C.I.A. or elsewhere in the government, will be subject to search and review—even a document that concerns the most intimate details of an operation and is sent only to the director of Central Intelligence. Once disseminated, information cannot be exempt, even if it is kept in an otherwise exempt operational file. That includes any document shown to someone outside the three divisions on an “eyes only,” no-copy basis and returned to the operational file.

§ All information in operational files concerning covert operations will be subject to search and review, unless the very existence of the covert operation is properly classified information.

§ All information in operational files concerning the subject matter of an investigation of improper or illegal conduct by the C.I.A. will be subject to search and review. Such investigations may be conducted by the agency's inspector general or general counsel, by Congressional oversight committees or by the President's Intelligence Oversight Board. The C.I.A. also initiates an investigation whenever a private citizen makes an allegation of improper or illegal conduct: for example, that an organization has been illegally infiltrated. (It does not investigate claims of a clearly frivolous nature, such as “the C.I.A. is manipulating my brain waves.”) Regardless of an investigation's outcome, the C.I.A. will be required, in response to an F.O.I.A. request, to search its operational files for information concerning the alleged abuse. This provision insures that all information in the operational files concerning abuses investigated by the Church and Pike committees will continue to be accessible and that in the future, similar information on alleged abuses will be available.

§ Operational files must be searched in response to U.S. citizens or permanent resident aliens who request information about themselves. This provision preserves the access to information currently available to individuals.

§ Federal courts will have the right to review whether a particular file meets the legal definition of “operational” or whether particular documents are improperly kept solely in operational files. This guarantee significantly improves on the Senate version and clearly opposes the C.I.A. position, taken during Senate hearings last June, that no judicial review should be permitted.

§ Finally, the bill does not apply retroactively to any lawsuit pending on February 7, 1984, the day before the House began hearings on the bill.

Some critics of the A.C.L.U.'s position say the bill would allow the C.I.A. to withhold information it is currently obligated to release, or conceivably would be obligated to release under a more liberal standard of classification. That claim is false. Various people have shown us documents released under current law that arguably might not be released under the proposed legislation. We have examined them all, and in every case the document would still be released under one of the exceptions provided in H.R. 5164. Moreover, even a liberal administration would without doubt continue to classify the kinds of sources and methods the bill would exempt.

Others suggest that the A.C.L.U. has compromised important principles by lobbying for the bill. That, too, is false. If anyone has compromised in this process, it is the C.I.A., which initially opposed many of the provisions on which we insisted.

Our position was unflinching: from the beginning, we maintained that we would oppose the bill unless each of our concerns was adequately met. Although the Senate bill did not meet them all, H.R. 5164 does. As A.C.L.U. staff counsel Mark Lynch testified before Congress on May 10, “Any movement away from what has been achieved in H.R. 5164 would be unacceptable, and we would oppose any tinkering with this bill in a House-Senate conference.”

Such tinkering is unlikely because Senators Barry Goldwater and Daniel Moynihan, chair and vice chair, respectively, of the Senate Intelligence Committee which helped draft the Senate version, have informed the House





\* Mail check or money order to Nation Bulk Sales, 72 Fifth Avenue, New York, NY 10011 (U.S. currency only. N.Y. State residents must add 7 percent sales tax, N.Y. City 8½ percent).

*T.M. Pasca is an American journalist who writes for The Nation from Rome.*

a  
di  
ji  
N  
du  
nc  
or  
n  
pai  
wh  
**A**  
wa  
wo  
Lil  
op  
po  
jot  
shi



I. Glasser

DEFEND

THE BILL OF RIGHTS

SUPPORT THE ACLU

*by the kind of legislation?*

MR. HAROLD WEISBERG  
7627 Old Receiver Rd.  
Frederick, MD 21701

